



TITLE #: 80

Ordinance #: 08-06-19-055

Date: August 12, 2019

**ORDINANCE for the Addition of an
Agricultural Zoning District and Land Use Code Designation
to the Town of Cheswold Land Use Ordinance**

DESCRIPTION: The passage of this Ordinance will add an Agricultural Zoning District and Land Use Code designation, also known simply as the Land Use Code, to Land Use Ordinance of the Town of Cheswold. It will also describe the purpose and intent of the District and identify the permitted uses and structures applicable to the lots and properties existing within the confines of the District.

Section 1. PURPOSE:

The purpose of this Ordinance is to accommodate the requirements of the Town of Cheswold Comprehensive Plan by improving the maintenance of existing properties and the management and development of properties as requested by the property owner/s that is in alignment with the Town's small-town residential and country character and appearance.

Section 2. AUTHORITY TO ACT

The Town Charter of the Town of Cheswold:

- 2.1.1 **Section 4.2.25**, authorizes the Town Council to provide for and preserve the health, peace and safety, cleanliness, ornament, good order and public welfare of the Town and its' inhabitants.
- 2.1.2 **Section 4.2.37**. authorizes the Town Council to zone and district the Town and make particular provision for particular zones or districts with regard to building or building materials.....
- 2.1.3 **Section 4.2.48**, authorizes the Town Council to make, adopt, and establish, alter and amend all such Ordinances, Regulations, Rules and By-Laws not contrary to the laws of this State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the order, protection and good government of the Town.

Section 3. APPLICABILITY

The provisions of this Ordinance shall be applied to all properties within the corporate limits of the Town of Cheswold and designated as Agricultural.

Section 4. DEFINITIONS

As used in this Ordinance, the following terms and words shall have the following meaning/s unless the context clearly indicates that a different meaning is intended:

4.1 Agricultural – is the science and art of cultivating plants.

Section 5. ADDITION TO ZONING DISTRICT SUMMARY TO LAND USE ORDINANCE

The following Zoning District, Designation and description of the typical kinds of uses in the zone shall be added to Article 6 – Zoning Districts and Map of the Town of Cheswold Land Use Ordinance:

Section 6-1. Establishment of Zoning Districts

A Base Zones

Table 6-1 Zoning District Summary

Zoning District	Designation	Typical Kinds of Uses in Zone
Agricultural	A-1 Agricultural	All farming activities related to plant growth and farm related services. Low density residential development is permitted.

Section 6. ADDITION of DISTRICT PURPOSE and INTENT TO LAND USE ORDINANCE

The following description of the purpose and intent of Agricultural District shall be added to Article 6–2, District Purpose and Intent – Item I, of the Town of Cheswold Land Use Ordinance:

I A-1 Agricultural

1. To provide for a wide range of agricultural uses and farm related services, while providing for low density residential development in areas that are somewhat rural in character and where farming may be the optimal land use activity.
2. To foster environmentally sound development in areas of environmental concern,
3. To allow for a variety of low density planned residential and cluster developments in a rural setting.
4. To serve as a transitional/buffer zone between agricultural and residential uses.

Section 7. ADDITION of SPECIFIC REQUIREMENTS by DISTRICT and OVERLAY ZONE to LAND USE ORDINANCE

The requirements for Article 7-2, Specific Requirements by District and Overlay Zone shall be added that section of the Land Use Code as RESERVED and be numbered accordingly after a total revision of the numbering of that section of the Article, pending the addition of other revisions to the section.

Section 8. ADDITION of PERMITTED USES & STRUCTURES TO LAND USE ORDINANCE

The following table indicates the permitted uses and structures of the Agricultural District as they shall be added to Article 7, Use Regulations, of the Town of Cheswold Land Use Ordinance:

Table 7-2 Permitted Uses & Structures

Blank	Not Permitted	Zone A-1
P	Permitted Use	
SP	Site Plan Review required. See Sec. 4-2.	
CU	Conditional Use. See Sec.4-7.	
O	Overlay Zone Applies (See Sec. 6-2) See definitions in Art. 2.	
Agriculture-Related Uses		
Farms, Customary and conventional farming operations including the raising of vegetables, flowers, and horticultural materials not to be construed to include commercial poultry and swine production, cattle feeder lots, and fur bearing animal farms.		P
Greenhouse, Commercial		SP CU
Residential Uses		
Apartment above commercial or office uses		
Bed & breakfast		
Dwelling, Two Family		
Dwelling, Manufactured Home		
Dwelling, Multi-family		
Dwelling, Single Family including modular homes		P
Dwelling, Single Family Manufactured homes		
Dwelling, Townhouse		
Home Based Businesses – See Section 7-4		
Sales & Rental of Goods, Merchandise, and Equipment		
Convenience Store		
Retail Food Establishments		
Retail Sales Establishments		
Retail Sales Establishments with drive-through		
Supermarket		
Restaurant		
Restaurant with drive through		
Wholesale trade establishments		

Table 7-2 Permitted Uses & Structures

Blank	Not Permitted	Zone A-1
P	Permitted Use	
SP	Site Plan Review required. See Sec. 4-2.	
CU	Conditional Use. See Sec.4-7.	
O	Overlay Zone Applies (See Sec. 6-2) See definitions in Art. 2.	
Shopping Center		
Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods and Services		
Business Service Establishments		
Offices		
Office complex of multiple buildings		
Miscellaneous Service Establishments		
Personal Service Establishments		
Retail Service Establishments		
Social Service Establishments		
Banks		
Banks with drive through		
Manufacturing, Assembling, Processing		
Manufacturing, Light		
Manufacturing, Heavy		
Asphalt, Aggregate, Hot Mix		
Concrete, Cement, stone and gravel bulk storage		
Commercial composting, materials recycling		
Sanitary transfer station		
Educational, Cultural, Religious, Philanthropic, Social, Fraternal		
Club, private such as golf, swimming, and tennis clubs, lodges, and other annual membership clubs		
Educational institutions, public and private		
Places of worship		
Community Center, Private		
Institutional or Residential Care, Confinement & Medical Facilities		
Day Care Center		
Day Care, Family (1-6 children)		
Day Care, Large Family (7-12 children)		
Hospital		

Table 7-2 Permitted Uses & Structures

Blank	Not Permitted	Zone A-1
P	Permitted Use	
SP	Site Plan Review required. See Sec. 4-2.	
CU	Conditional Use. See Sec.4-7.	
O	Overlay Zone Applies (See Sec. 6-2) See definitions in Art. 2.	
Medical Clinic, no over night facilities		
Nursing and care facilities		
Surgical Center, no overnight facilities		
Transportation-Related Sales & Service		
Motor vehicle filling stations		
Motor vehicle sales, repair, service and storage		
Storage & Parking		
Distribution center		
Garage, public or commercial parking		
Self-storage facility		
Warehouse		
Public, Semi-Public, Emergency		
Government facilities and services, local		
Government facilities and services, non-local		
Parks & open space		P SP
Public safety facilities including, ambulance, fire, police, rescue, and national security		
Public utility service facilities		
Recreation facility		
Not Grouped Elsewhere		
Accessory Uses, generally		
Cemeteries		
Funeral home, without crematorium		
Mixed use developments (See also Overlay Districts)		
Veterinary clinics, animal hospitals, or commercial kennels, provided that no open pens, runs, kennels or cages are located within 100 feet of land that is used or zoned residential		

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Section 9 - EFFECTIVE DATE

This ordinance and the rules, regulations, provisions, requirements, orders, administration and management and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

Ordinance No. 08-06-19-055 entitled, Addition of Agricultural Zoning District and Land Use Code of the Town of Cheswold Land Use Ordinance, was posted for public notice on September 9, 2019, as required and the Public Hearing was held at 6:00 pm on October 7, 2019,.

I, Robert W. Sine, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of **Ordinance No. 08-06-19-055 entitled, Addition of Agricultural Zoning District and Land Use Code of the Town of Cheswold Land Use Ordinance**, passed by affirmative vote of all elected Members of the Cheswold Town Council at a regularly scheduled Town Council Meeting, (or Special Meeting), held on October 7, 2019, at which a quorum was present and voting throughout, and that the same is still in force and effect.

Certified: 
Mayor Robert W. Sine

Date: October 7, 2019

ATTEST: 
Secretary/Treasurer Theon E. Callender

Date: October 7, 2019

Agreed: 
Vice-Mayor Larence Kirby

Date: October 7, 2019

Agreed: 
Councilperson Judith Johnson

Date: October 7, 2019

Agreed: 
Councilperson Santo Faronea

Date: October 7, 2019

Agreed: 
Councilperson Mark Moxley

Date: October 7, 2019


Town Clerk Shadina Jones

Date: October 7, 2019



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Sponsored by: Theon E. Callender– Councilperson
Co-Sponsor: N/A - Councilperson

Introduction: September 3, 2019

READINGS & REVIEWS:

Engineer Review – Tom Wilkes, P.E.

Planning Commission Review

Engineer Review – Tom Wilkes, P.E.

1st. Council Reading

2nd Council Reading

Public Hearing

August 16, 2019

August 19, 2019

August 21, 2019

September 3, 2019

October 7, 2019

October 7, 2019